

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL DAVID MASEK,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV2447 CEJ
)	
RICHARD N. GOWDY, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's pro se motion for appointment of counsel. For the reasons discussed below, the motion will be denied.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

Plaintiff claims that appointment of counsel is warranted because he does not have access to the law library. He claims his ability to submit an amended complaint is hindered by his lack of access.

After considering the relevant factors, the Court finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time. Plaintiff's legal claim is relatively simple, *i.e.*, whether he was competent to voluntarily admit

himself to the St. Louis Psychiatric Rehabilitation Center. And plaintiff has demonstrated an ability to coherently present his claims the Court.

In drafting the amended complaint, plaintiff is only required to state the facts giving rise to his claims. Plaintiff need not cite to any law in his amended complaint. If plaintiff wishes to sue defendants in their individual capacities, he only needs to state that the defendants are being sued in their individual capacities. Plaintiff is reminded that his amended complaint must include all of his claims because it will replace the original complaint.

The Court will extend the deadline for the filing of the amended complaint to June 24, 2014.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel is **denied** without prejudice.

IT IS FURTHER ORDERED that the deadline for filing an amended complaint is June 24, 2014.

Dated this 29th day of May, 2014.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE